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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joseph R Burwell  
Law Office of Joseph R Burwell  
P O Box 28022  
Austin, TX 78755-8022

EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/583,958

Applicant(s)

ALLAN ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 – 21 are presented for consideration.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-9, 12-16, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pandya et al. [ US Patent No 6,671,724 ], in view of Lin et al. [ US Patent No 6,405,250 ].

4. As per claim 1, Pandya discloses the invention substantially as claimed including a method for updating operational parameters of a monitoring agent on a client in a distributed data processing system, the monitoring agent monitoring characteristics of at least one application executing on a server in the distributed data processing system, the method comprising the steps of:

filtering, by the monitoring agent, network data from the client to the server [ col 10, lines 12-52 ];

determining, by the monitoring agent, whether an outgoing transaction in the network data is addressed such that an application on the server receives the outgoing transaction as a

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request to change the operational parameters of the monitoring agent [ col 8, lines 46-64; col 11, lines 24-35 ].

Pandya does not specifically disclose

in response to a positive determination that the outgoing transaction is addressed such that an application on the server receives the outgoing transaction as a request to change the operational parameters of the monitoring agent, sending a request from the monitoring agent to the server to send to the monitoring agent an update of the operational parameters of the monitoring agent.

Lin discloses

in response to a positive determination that the outgoing transaction is addressed such that an application on the server receives the outgoing transaction as a request to change the operational parameters of the monitoring agent, sending a request from the monitoring agent to the server to send to the monitoring agent an update of the operational parameters of the monitoring agent [ col 7, lines 37-50; and col 8, lines 29-38 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Pandya and Lin because Lin's teaching of monitoring agent sending request would allow reduce network traffic to prevent congestion in a communication network.

5. As per claim 2, Pandya discloses

receiving, at the monitoring agent, the update of the operational parameters of the monitoring agent [ col 13, lines 65-col 14, lines 11 ]; and

storing updated operational parameters on the client in a manner accessible to the monitoring agent [ col 13, lines 35-38 ].

6. As per claim 5, Pandya discloses the request for an update of the operational parameters of the monitoring agent is addressed with a URI stored as an operational parameter of the monitoring agent on the client [ col 8, lines 65-col 9, lines 30 ].

7. As per claim 6, it is rejected for similar reasons as stated in claim 1.

8. As per claim 7, it is rejected for similar reasons as stated above in claim 1. Furthermore, Pandya discloses

parsing the outgoing transaction for an Internet Protocol (IP) address [ col 2, lines 41-46 ];

matching the IP address with an IP address stored as an operational parameter of the monitoring agent on the client [ col 21, lines 17-37 ].

9. As per claims 8, 9, 12-14, they are apparatus claimed of claims 1, 2, 5-7, they are rejected for similar reasons as stated above in claims 1, 2, 5-7.

10. As per claims 15, 16, 19-21, they are program product claimed of claims 1, 2, 5-7, they are rejected for similar reasons as stated above in claims 1, 2, 5-7.

11. Claims 3, 4, 10, 11, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pandya et al. [ US Patent No 6,671,724 ], in view of Lin et al. [ US Patent No 6,405,250 ], and further in view of Inakoshi [ US Patent No 5,933,604 ].

12. As per claim 3, it is rejected for similar reasons as stated above in claim 1. Furthermore, Pandya and Lin do not specifically disclose

parsing the outgoing transaction for a Uniform Resource Identifier (URI);

matching the URI with a URI stored as an operational parameter of the monitoring agent on the client.

Inakoshi discloses

parsing the outgoing transaction for a Uniform Resource Identifier (URI) [ col 11, lines 16-26 ];

matching the URI with a URI stored as an operational parameter of the monitoring agent on the client [ col 5, lines 12-20; and col 9, lines 60-65 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Pandya, Lin and Inakoshi because the parsing of Inakoshi would help to identify needed requests coming from multiple sources of information.

13. As per claim 4, Inakoshi discloses the URI is a Uniform Resource Locator (URL) embedded within a Hypertext Transport Protocol (HTTP) request [ Figure 9; and col 15, lines 19-28 ].

14. As per claims 10, 11, they are apparatus claimed of claims 3, 4, they are rejected for similar reasons as stated above in claims 3, 4.

15. As per claims 17, 18, they are program product claimed of claims 3, 4, they are rejected for similar reasons as stated above in claims 3, 4.

16. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

17. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 306-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

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Dustin Nguyen



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100